

U.S. Patent and Trademark Office, Commerce

§ 1.17

(p) Examination fee for each application for an original design patent:

By a micro entity (§1.29)	\$115.00
By a small entity (§1.27(a)) ...	230.00
By other than a small or micro entity	460.00

(q) Examination fee for each application for an original plant patent:

By a micro entity (§1.29)	\$145.00
By a small entity (§1.27(a)) ...	290.00
By other than a small or micro entity	580.00

(r) Examination fee for each application for the reissue of a patent:

By a micro entity (§1.29)	\$540.00
By a small entity (§1.27(a)) ...	1,080.00
By other than a small or micro entity	2,160.00

(s) Application size fee for any application filed under 35 U.S.C. 111 for the specification and drawings which exceed 100 sheets of paper, for each additional 50 sheets or fraction thereof:

By a micro entity (§1.29)	\$100.00
By a small entity (§1.27(a)) ...	200.00
By other than a small or micro entity	400.00

(t) Non-electronic filing fee for any application under 35 U.S.C. 111(a) that is filed on or after November 15, 2011, other than by the Office electronic filing system, except for a reissue, design, or plant application:

By a small entity (§1.27(a)) ...	\$200.00
By other than a small entity	\$400.00

NOTE TO §1.16: See §§1.445, 1.482 and 1.492 for international application filing and processing fees.

[70 FR 3887, Jan. 27, 2005, as amended at 70 FR 30365, May 26, 2005; 72 FR 46901, Aug. 22, 2007; 73 FR 47540, Aug. 14, 2008; 76 FR 70653, Nov. 15, 2011; 77 FR 48812, Aug. 14, 2012; 77 FR 54365, Sept. 5, 2012; 78 FR 4284, Jan. 18, 2013; 78 FR 62395, Oct. 21, 2013]

§ 1.17 Patent application and reexamination processing fees.

(a) Extension fees pursuant to §1.136(a):

(1) For reply within first month:

By a micro entity (§1.29)	\$50.00
By a small entity (§1.27(a)) ...	\$100.00
By other than a small or micro entity	\$200.00

(2) For reply within second month:

By a micro entity (§1.29)	\$150.00
By a small entity (§1.27(a)) ..	\$300.00
By other than a small or micro entity	\$600.00

(3) For reply within third month:

By a micro entity (§1.29)	\$350.00
By a small entity (§1.27(a)) ..	\$700.00
By other than a small or micro entity	\$1,400.00

(4) For reply within fourth month:

By a micro entity (§1.29)	\$550.00
By a small entity (§1.27(a)) ..	\$1,100.00
By other than a small or micro entity	\$2,200.00

(5) For reply within fifth month:

By a micro entity (§1.29)	\$750.00
By a small entity (§1.27(a)) ..	\$1,500.00
By other than a small or micro entity	\$3,000.00

(b) For fees in proceedings before the Patent Trial and Appeal Board, *see* §41.20 and §42.15 of this title.

(c) For filing a request for prioritized examination under §1.102(e):

By a micro entity (§1.29)	\$1,000.00
By a small entity (§1.27(a)) ..	\$2,000.00
By other than a small or micro entity	\$4,000.00

(d) For correction of inventorship in an application after the first action on the merits:

By a micro entity (§1.29)	\$150.00
By a small entity (§1.27(a)) ..	\$300.00
By other than a small or micro entity	\$600.00

(e) To request continued examination pursuant to §1.114:

(1) For filing a first request for continued examination pursuant to §1.114 in an application:

By a micro entity (§1.29)	\$300.00
By a small entity (§1.27(a)) ..	\$600.00
By other than a small or micro entity	\$1,200.00

(2) For filing a second or subsequent request for continued examination pursuant to §1.114 in an application:

By a micro entity (§1.29)	\$425.00
By a small entity (§1.27(a)) ..	\$850.00
By other than a small or micro entity	\$1,700.00

(f) For filing a petition under one of the following sections which refers to this paragraph:

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By a micro entity (§ 1.29)	\$100.00
By a small entity (§ 1.27(a)) ..	\$200.00
By other than a small or micro entity	\$400.00

§ 1.36(a)—for revocation of a power of attorney by fewer than all of the applicants.

§ 1.53(e)—to accord a filing date.

§ 1.182—for decision on a question not specifically provided for in an application for patent.

§ 1.183—to suspend the rules in an application for patent.

§ 1.741(b)—to accord a filing date to an application under § 1.740 for extension of a patent term.

(g) For filing a petition under one of the following sections which refers to this paragraph:

By a micro entity (§ 1.29)	\$50.00
By a small entity (§ 1.27(a)) ..	\$100.00
By other than a small or micro entity	\$200.00

§ 1.12—for access to an assignment record.

§ 1.14—for access to an application.

§ 1.46—for filing an application on behalf of an inventor by a person who otherwise shows sufficient proprietary interest in the matter.

§ 1.55(f)—for filing a belated certified copy of a foreign application.

§ 1.57(a)—for filing a belated certified copy of a foreign application.

§ 1.59—for expungement of information.

§ 1.103(a)—to suspend action in an application.

§ 1.136(b)—for review of a request for extension of time when the provisions of § 1.136(a) are not available.

§ 1.377—for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.

§ 1.550(c)—for patent owner requests for extension of time in *ex parte* reexamination proceedings.

§ 1.956—for patent owner requests for extension of time in *inter partes* reexamination proceedings.

§ 5.12—for expedited handling of a foreign filing license.

§ 5.15—for changing the scope of a license.

§ 5.25—for retroactive license.

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(h) For filing a petition under one of the following sections which refers to this paragraph:

By a micro entity (§ 1.29)	\$35.00
By a small entity (§ 1.27(a)) ..	\$70.00
By other than a small or micro entity	\$140.00

§ 1.19(g)—to request documents in a form other than provided in this part.

§ 1.84—for accepting color drawings or photographs.

§ 1.91—for entry of a model or exhibit.

§ 1.102(d)—to make an application special.

§ 1.138(c)—to expressly abandon an application to avoid publication.

§ 1.313—to withdraw an application from issue.

§ 1.314—to defer issuance of a patent.

(i) Processing fees:

(1) For taking action under one of the following sections which refers to this paragraph:

By a micro entity (§ 1.29)	\$35.00
By a small entity (§ 1.27(a)) ..	\$70.00
By other than a small or micro entity	\$140.00

§ 1.28(c)(3)—for processing a non-itemized fee deficiency based on an error in small entity status.

§ 1.29(k)(3)—for processing a non-itemized fee deficiency based on an error in micro entity status.

§ 1.41(b)—for supplying the name or names of the inventor or joint inventors in an application without either an application data sheet or the inventor's oath or declaration, except in provisional applications.

§ 1.48—for correcting inventorship, except in provisional applications.

§ 1.52(d)—for processing a nonprovisional application filed with a specification in a language other than English.

§ 1.53(c)(3)—to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).

§ 1.55—for entry of a priority claim or certified copy of a foreign application after payment of the issue fee.

§ 1.71(g)(2)—for processing a belated amendment under § 1.71(g).

§ 1.102(e)—for requesting prioritized examination of an application.

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§ 1.103(b)—for requesting limited suspension of action, continued prosecution application for a design patent (§ 1.53(d)).

§ 1.103(c)—for requesting limited suspension of action, request for continued examination (§ 1.114).

§ 1.103(d)—for requesting deferred examination of an application.

§ 1.291(c)(5)—for processing a second or subsequent protest by the same real party in interest.

§ 3.81—for a patent to issue to assignee, assignment submitted after payment of the issue fee.

(2) For taking action under one of the following sections which refers to this paragraph \$130.00

§ 1.217—for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.

§ 1.221—for requesting voluntary publication or republication of an application.

(j) [Reserved]

(k) For filing a request for expedited examination under § 1.155(a):

By a micro entity (§ 1.29)	\$225.00
By a small entity (§ 1.27(a)) ..	\$450.00
By other than a small or micro entity.	\$900.00

(l) [Reserved]

(m) For filing a petition for the revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, for the delayed response by the patent owner in any reexamination proceeding, for the delayed payment of the fee for maintaining a patent in force, for the delayed submission of a priority or benefit claim, or for the extension of the twelve-month (six-month for designs) period for filing a subsequent application (§§ 1.55(c), 1.55(e), 1.78(b), 1.78(c), 1.78(e), 1.137, 1.378, and 1.452):

By a small entity (§ 1.27(a)) or micro entity (§ 1.29)	\$850.00
By other than a small or micro entity	\$1,700.00

(n) [Reserved]

(o) For every ten items or fraction thereof in a third-party submission under § 1.290:

By a small entity (§ 1.27(a)) or micro entity (§ 1.29)	\$90.00
By other than a small entity	\$180.00

(p) For an information disclosure statement under § 1.97(c) or (d):

By a micro entity (§ 1.29)	\$45.00
By a small entity (§ 1.27(a)) ..	\$90.00
By other than a small or micro entity	\$180.00

(q) Processing fee for taking action under one of the following sections which refers to this paragraph \$50.00

§ 1.41—to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by § 1.51(c)(1) in a provisional application.

§ 1.48—for correction of inventorship in a provisional application.

§ 1.53(c)(2)—to convert a nonprovisional application filed under § 1.53(b) to a provisional application under § 1.53(c).

(r) For entry of a submission after final rejection under § 1.129(a):

By a micro entity (§ 1.29)	\$210.00
By a small entity (§ 1.27(a)) ..	\$420.00
By other than a small or micro entity	\$840.00

(s) For each additional invention requested to be examined under § 1.129(b):

By a micro entity (§ 1.29)	\$210.00
By a small entity (§ 1.27(a)) ..	\$420.00
By other than a small or micro entity	\$840.00

(t) [Reserved]

[78 FR 17105, Mar. 20, 2013, as amended at 78 FR 62395, Oct. 21, 2013; 78 FR 75252, Dec. 11, 2013]

§ 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original patent, except a design or plant patent, or for issuing each reissue patent:

(1) For an issue fee paid on or after January 1, 2014:

By a micro entity (§ 1.29)	\$240.00
By a small entity (§ 1.27(a)) ..	480.00
By other than a small or micro entity	960.00

(2) For an issue fee paid before January 1, 2014:

By a micro entity (§ 1.29)	\$445.00
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